

59. (Amended) The isolated DNA molecule of claim 4, wherein said isolated DNA molecule encodes a protein that is at least 70% similar with the amino acid defined by SEQ ID NO:2.

60. (Amended) The isolated DNA molecule of claim 4, wherein said isolated DNA molecule encodes a protein that is at least 70% similar with the amino acid defined by SEQ ID NO:4.

66. (Amended) A vector comprising the isolated DNA molecule as claimed in claim 63, wherein said isolated DNA molecule is under control of a regulatory element that directs expression of said DNA in a plant cell.

71. (Amended) A transformed plant cell comprising the vector of claim 66.

72. (Amended) A transformed plant comprising the vector of claim 66.

#### REMARKS

The above preliminary amendment is made to remove multiple dependencies from claims 10, 15, 16, 18, 19, 25, 27, 30, 33, 34, 36, 37, 38, 44, 46, 51, 53, 55, 58, 59, 60, 66, 71 and 72.

A new abstract page is supplied to conform to that appearing on the publication page of the WIPO application, but the new Abstract is typed on a separate page as required by U.S. practice.

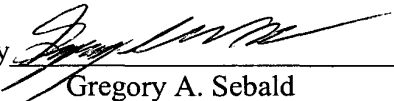
Applicants respectfully request that the preliminary amendment described herein be entered into the record prior to calculation of the filing fee and prior to examination and consideration of the above-identified application.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Gregory A. Sebald (Reg. No. 33,280), at (612) 336.4728.

Respectfully submitted,

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By   
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10. (Amended) A vector comprising the isolated DNA molecule as claimed in [any one of claims 1 to 9] claim 1, wherein said isolated DNA molecule is under control of a regulatory element that directs expression of said DNA in a plant cell.
15. (Amended) A transformed plant cell comprising the vector of [any one of claims 10 to 14] claim 10.
16. (Amended) A transformed plant comprising the vector of [any one of claims 10 to 14] claim 10.
18. (Amended) An isolated protein encoded by the isolated DNA molecule as claimed in [any one of claims 4 to 9] claim 4.
19. (Amended) A method of producing asexually derived embryos comprising:
- i) transforming a plant cell with the vector of [any one of claims 10 to 14] claim 10;
  - ii) growing said plant cell to produce transformed tissue;
  - iii) selecting said transformed tissue for occurrence of said isolated DNA molecule; and
  - iv) assaying said transformed plant for asexual embryo production.
25. (Amended) A method of modifying the regenerative capacity of a plant comprising
- i) transforming a plant cell with the vector of [any one of claims 10 to 14] claim 10;
  - ii) growing said transformed plant cell to produce transformed tissue; and
  - iii) assaying said transformed plant tissue for enhanced regeneration as compared to wild-type tissue.
27. (Amended) A method of selecting a transformed plant comprising;
- i) transforming a normally non-regenerative plant with a vector of [any one of claims 10 to 14] claim 10; and
  - ii) determining whether said transformed plant is able to regenerate under conditions in which said normally non-regenerative plant does not regenerate.

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30. (Amended) A vector comprising the isolated DNA molecule of claim 28 [or 29] operably associated with a gene of interest, wherein said isolated DNA molecule directs the expression of said gene of interest within a plant cell.
33. (Amended) A transformed plant cell comprising the vector of [either] claim 30[, 31 or 32].
34. (Amended) A transformed plant comprising the vector of [either] claim 30[, 31 or 32].
36. (Amended) A method for directing the expression of a gene of interest within a developing embryo of a plant comprising transforming said plant with the vector as defined by [either] claim 30[, 31 or 32].
37. (Amended) A use of a nucleotide sequence as defined in [any one of claims 4, 5, 6 or 7] claim 4 as a selectable marker.
38. (Amended) A method of producing asexually derived embryos comprising:
- i) transiently transforming a plant cell with the vector of [any one of claims 10 to 14, or introducing into said plant cell the protein of claim 18] claim 10, to produce a modified plant cell;
  - ii) growing said modified plant cell to produce tissue; and
  - iii) assaying said tissue for asexual embryo formation.
44. (Amended) A method of modifying the regenerative capacity of a plant comprising
- i) transiently transforming a plant cell with the vector of [any one of claims 10 to 14, or introducing into said plant cell the protein of claim 18] claim 10, to produce a modified plant cell;
  - ii) growing said modified plant cell to produce tissue; and
  - iii) assaying said tissue for enhanced regeneration as compared to wild-type tissue.
46. (Amended) A method of producing an apomictic plant comprising:
- i) transforming a plant with the vector of [any one of claims 10 to 14] claim 10, to produce a transformed plant;

- ii) selecting said transformed plant for occurrence of said isolated DNA molecule;  
and
- iii) assaying said transformed plant for asexual embryo production.

51 (Amended) A method of modifying the regenerative capacity of a plant comprising

- i) transiently transforming a plant cell with the vector of [any one of claims 10 to 14, or introducing into said plant cell the protein of claim 18] claim 10;
- ii) growing said plant cell to form tissue; and
- iii) assaying said tissue for enhanced regeneration as compared to wild-type tissue.

53. (Amended) A method of selecting a modified plant comprising;

- i) transiently transforming a normally non-regenerative plant with a vector of [any one of claims 10 to 14, or introducing into said normally non-regenerative plant the protein of claim 18,] claim 10 to produce said modified plant; and
- ii) determining whether said modified plant is able to regenerate under conditions in which said normally non-regenerative plant does not germinate.

55. (Amended) A method of producing a protein of interest comprising

- i) transforming a plant with [at least on vector, said at least one vector selected from any one of claims 10 to 14] a vector of claim 10 to produce a transformed plant;
- ii) selecting said transformed plant for occurrence of said isolated DNA molecule;  
and
- iv) growing said transformed plant in order to produce said protein of interest, wherein expression of said protein of interest is induced by the expression product of said isolated DNA.

58. (Amended) The method of [any one of claims 55 or 56] claim 55, wherein said protein of interest is selected from the group consisting of a pharmaceutically active protein, antibody, industrial enzyme, protein supplement, nutraceutical, storage protein, an enzyme involved in oil biosynthesis, animal feed, and animal feed supplement.

59. (Amended) The isolated DNA molecule of [claim of any one of claims 4 to 7] claim 4, wherein said isolated DNA molecule encodes a protein that is at least 70% similar with the amino acid defined by SEQ ID NO:2.

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60. (Amended) The isolated DNA molecule of [claim of any one of claims 4 to 7] claim 4, wherein said isolated DNA molecule encodes a protein that is at least 70% similar with the amino acid defined by SEQ ID NO:4.
- 66 (Amended) A vector comprising the isolated DNA molecule as claimed in [any one of claims 63 to 65] claim 63, wherein said isolated DNA molecule is under control of a regulatory element that directs expression of said DNA in a plant cell.
71. (Amended) A transformed plant cell comprising the vector of [any one of claims 66 to 70] claim 66.
72. (Amended) A transformed plant comprising the vector of [any one of claims 66 to 70] claim 66.

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